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Pinal County Board of Supervisors  
P.O. Box 827  
Florence AZ 85232



OFFICIAL RECORDS OF  
PINAL COUNTY RECORDER  
LAURA DEAN-LYTLE

DATE: 02/26/02 TIME: 0926  
FEE : 0.00  
PAGES: 4  
FEE NO: 2002-009177

RESOLUTION NO. 11602-WL

**RESOLUTION OF THE PINAL COUNTY BOARD OF  
SUPERVISORS ADOPTING AN ORDINANCE ESTABLISHING  
SANCTIONS FOR WEIGHT LIMIT VIOLATIONS ON PINAL  
COUNTY ROADWAYS.**

**RECITALS:**

WHEREAS, A.R.S. § 11-251.05 authorizes the Pinal County Board of Supervisors to adopt ordinances necessary and proper to carry out the responsibilities and functions of the County and to prescribe punishment by fine or imprisonment or both for violation thereof; and,

WHEREAS, A.R.S. § 28-1106 authorizes Pinal County to impose weight limitations on vehicles utilizing designated County roadways; and,

WHEREAS, Exhibit A, attached hereto and incorporated into this Resolution, is the Ordinance Establishing Sanctions for Weight Limit Violations on Pinal County Roadways; and,

WHEREAS, the Pinal County Board of Supervisors, by Resolution No. 71101-WL dated July 11, 2001, authorized the County Engineer to establish weight limits on Pinal County roadways based upon available data, soil conditions, traffic volumes, and application of the AASHTO Method of Flexible Pavement Design, and further, requiring that the County Engineer report to the Board of Supervisors in writing every six months commencing September 1, 2001 every weight limit so established during the preceding six (6) month period; and,

WHEREAS, the Pinal County Board of Supervisors has held a public hearing on the adoption of Exhibit A, and in accordance with A.R.S. § 11-251.05 (C), notice of the public hearing was published at least fifteen days prior to the public hearing. Said notice of public hearing was published in the Casa Grande Dispatch on October 17, 2001 and October 31, 2001.

WHEREAS, pursuant to A.R.S. § 11-562, the County Engineer, under the direction of the Board of Supervisors, has charge of County streets and roadways; and,

WHEREAS, the Board of Supervisors of Pinal County has determined that it is necessary for the protection, safety, and welfare of the traveling public of Pinal County to regulate traffic on County streets and roadways.

THEREFORE, BE IT RESOLVED: the Pinal County Board of Supervisors adopts Exhibit A attached hereto as Pinal County's Ordinance Establishing Sanctions for Weight Limit Violations on Pinal County Roadways.

BE IT FURTHER RESOLVED: the Chairman of the Pinal County Board of Supervisors, on behalf of the Board, is authorized to execute this Resolution and all other documents which may be necessary in order for the above-referenced Ordinance to become effective.

BE IT FURTHER RESOLVED: this Resolution shall take effect when recorded in the Office of the Pinal County Recorder.

PASSED AND ADOPTED this 16<sup>th</sup> day of January, 2002, by the PINAL COUNTY BOARD OF SUPERVISORS.

Simone B. Kerr  
Chairman of the Board

ATTEST:

Sheri Cleeb  
Clerk of the Board

When recorded return to:  
Clerk  
Pinal County Board of Supervisors  
P.O. Box 827  
Florence AZ 85232

"Exhibit A"

**AN ORDINANCE OF THE PINAL COUNTY BOARD OF  
SUPERVISORS ESTABLISHING SANCTIONS FOR  
WEIGHT LIMIT VIOLATIONS ON PINAL COUNTY  
ROADWAYS.**

BE IT ORDAINED BY THE PINAL COUNTY BOARD OF SUPERVISORS AS  
FOLLOWS:

WHEREAS, A.R.S. § 28-1106 authorizes Pinal County to impose weight limitations on vehicles utilizing designated County highways; and,

WHEREAS, A.R.S. § 11-251.05 authorizes the Pinal County Board of Supervisors to adopt ordinances necessary and proper to carry out the responsibilities and functions of the County and to prescribe punishment by fine or imprisonment or both for violation thereof; and,

WHEREAS, the Pinal County Board of Supervisors, by Resolution No. 71101-WL dated July 11, 2001, authorized the County Engineer to establish weight limits on Pinal County highways based upon available data, soil conditions, traffic volumes, and application of the AASHTO Method of Flexible Pavement Design, and further, requiring that the County Engineer report to the Board of Supervisors in writing every six months commencing September 1, 2001 every weight limit so established during the preceding six (6) month period.

BE IT THEREFORE ORDAINED:

1. In accordance with the provisions of Pinal County Resolution No. 71101-WL dated July 11, 2001, the Pinal County Engineer is authorized to establish weight limits on Pinal County highways based upon available data, soil conditions, traffic volumes, and application of the AASHTO Method of Flexible Pavement Design; and,
2. Commencing September 1, 2001, the County Engineer of Pinal County shall report in writing once every six (6) months to the Board of Supervisors every weight limit established pursuant to this Ordinance and Resolution No. 71101-WL; and,
3. Violators of this Ordinance shall be subject to the penal provisions of A.R.S. § 28-1101 as well as each and every other civil or criminal sanction provided by

law, except that every penalty, fee, fine, or forfeiture for violation of this Ordinance shall be deposited with the Treasurer of Pinal County for deposit into the Pinal County general fund.

PASSED AND ADOPTED this 16<sup>th</sup> day of January, 2001, by the PINAL COUNTY BOARD OF SUPERVISORS.

Jimmie B. Kern  
Chairman of the Board

ATTEST:

Shari Claff  
deputy Clerk of the Board



OFFICIAL RECORDS OF  
PINAL COUNTY RECORDER  
LAURA DEAN-LYTLE

DATE: 07/19/01 TIME: 1609  
FEE : 0.00  
PAGES: 1  
FEE NO: 2001-032675

① w/c  
Board of Supervisors

Resolution NO. 71101-WL

**RESOLUTION OF THE PINAL COUNTY BOARD  
OF SUPERVISORS AUTHORIZING THE PINAL  
COUNTY ENGINEER TO ESTABLISH WEIGHT  
LIMITS ON DESIGNATED PINAL COUNTY  
HIGHWAYS.**

WHEREAS, the Pinal County Board of Supervisors ("Board") is authorized to control and manage public roadways within the County pursuant to A.R.S. § 11-251; and,

WHEREAS, pursuant to A.R.S. § 28-1106, the County is authorized to impose weight limitations by resolution on designated County highways within the County; and,

WHEREAS, the County Engineer has charge of all County highways pursuant to A.R.S. § 11-562; and,

WHEREAS, weight limitations for vehicles on designated County highways prevents excessive roadway damage on those designated highways and said weight limitations are therefore in the interest of public welfare and safety.

THEREFORE, BE IT RESOLVED that the Pinal County Board of Supervisors authorizes the County Engineer of Pinal County to establish weight limits on Pinal County highways to be determined in his sole discretion, based on available data, soil conditions, traffic volumes, and application of the AASHTO Method for Flexible Pavement Design.

BE IT FURTHER RESOLVED, that commencing September 1, 2001, the County Engineer of Pinal County shall report in writing once every six (6) months to the Board of Supervisors on every weight limit established during the previous six-month period.

PASSED AND ADOPTED this 11<sup>th</sup> day of July, 2001, by the PINAL  
COUNTY BOARD OF SUPERVISORS.

ATTEST:

Sheri Cleff  
Clerk of the Board

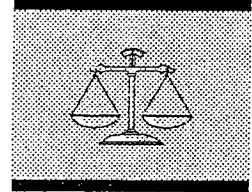
Jimmie B. Kerr  
Chairman of the Board

**PINAL COUNTY ATTORNEY**  
**CIVIL DIVISION**

***THIS MEMO IS FOR DEPARTMENTAL PURPOSES ONLY AND NOT TO BE  
RELEASED TO THE PUBLIC. HOWEVER, THE INFORMATION  
CONTAINED THEREIN MAY BE RELAYED TO THE PUBLIC.***

**MEMO TO:** Robert M. Davis, Director  
Department of Public Works

Wilbur Freeman  
Department of Public Works



**FROM:** Patricia A. Grieb (Ext. 6912) *pg*  
Deputy County Attorney

**DATE:** September 27, 1999

**RE:** Weight Limits

Attached is a copy of a memorandum I sent to Phil C. Hogue on November 14, 1996, with a copy sent to Supervisor Sandie Smith on the same date concerning weight limits.

Since then the statutes have been renumbered. A.R.S. § 28-1001, et seq., is now 28-1091, et seq., and § 28-1012 is now 28-1106. The term "enforcement" has been added to A.R.S. §11-1206 which permits under certain circumstances enforcement on private roads such as those located in SaddleBrooke. I am attaching copies of these statutes for your review as the county in certain circumstances is required to provide reasonable access and in some circumstances can deny reasonable access within one road mile to or from the national network of highways, as described in said statute, to a vehicle of legal size. The local authority is also required to provide a list of routes or maps and updates to the Director of the Arizona Department of Transportation.

In reviewing the above listed statutes, I would revise my answer in the November 14, 1996, memo to read as follows:

The Board has authority to place, by ordinance or resolution, permanent weight limitations, which are more restrictive than state restrictions, on roads under its jurisdiction in certain situations where engineering studies show a legitimate basis for such limitations and where such restrictions will not result in a "taking," and also on a temporary basis to prevent further deterioration of a road before repairs are completed. Weight restrictions should not be placed on roads designed for all types of vehicular travel.

The engineer study is important for justification of weight limits and as a defense against a "takings" lawsuit. If you have any questions after reviewing this memo and attachments, contact me.

enclosures

cc: William H. McLean  
Chief Civil Deputy  
(without enclosures)

PINAL COUNTY ATTORNEY  
CIVIL DIVISION

FILE COPY

*THIS MEMO IS FOR DEPARTMENTAL PURPOSES ONLY AND NOT TO BE RELEASED TO THE PUBLIC. HOWEVER, THE INFORMATION CONTAINED THEREIN MAY BE RELAYED TO THE PUBLIC.*

MEMO TO: Phil C. Hogue, Director  
Planning & Development Services

FROM: Patricia A. Grieb (Ext. 6268) *ag*  
Deputy County Attorney

DATE: November 14, 1996

RE: Weight Limitations



Question: Does Board of Supervisors have authority to enact a weight limit on County accepted roads?

Answer: The Board has authority to place permanent weight limitations, which are more restrictive than State restrictions, on roads under its jurisdiction in certain situations where engineering studies show a legitimate basis for such limitations and where such restrictions will not result in a "taking," and also on a temporary basis to prevent further deterioration of a road before repairs are completed. Weight restrictions should not be placed on roads designed for all types of vehicular travel or on school bus routes.

Explanation:

The State legislature has set forth maximum size and weight limitations of vehicles and loads in A.R.S. § 28-1001, et seq. A.R.S. § 28-1012 grants expressed authority to counties on highways under their jurisdictions, to do the following:

1. By ordinance or resolution, prohibit the operation of vehicles or impose weight restrictions on vehicles for a total period not to exceed ninety (90) days in any one calendar year when the highway, due to deterioration, rain, snow or other climatic conditions, will be seriously damaged or destroyed unless its use is prohibited or permissible weights reduced.

Signs stating the provisions of the ordinance or resolution must be erected and maintained at each end of the portion of the highway to be affected, and the subject ordinance or resolution will not be effective until the signs are erected and maintained.

2. By ordinance or resolution, prohibit the operation of trucks or other commercial vehicles or impose weight limitations on designated highways, and state those prohibitions and limitations by appropriate signs placed on the highways.

Phil C. Hogue, Director  
Planning & Development Services  
November 14, 1996  
Page 2

The above does not mean counties have authority to raise the maximum limits set by the State legislature, but it does give counties the authority in the above circumstances to reduce those maximum set weight limitations.

The use of the term "jurisdiction" refers to both the location of the highway within the county and the county's authority over such highways. Highways under the county's jurisdiction would include those highways within the county open to the public that have been statutorily established as county highways, those highways that have been accepted into the county's highway maintenance system and highways that are being maintained by the county, at its discretion, because the highways were laid out, opened and constructed prior to June 13, 1975. The term "highway" appears to be used in a general way and would include public roads and streets. These statutes do not deal with private roads.

Please note the term "designated highways". The county must select the highway to have the prohibition or weight restriction. The selection is not to be arbitrary and capricious. It should be based on engineering studies (perhaps on structure, safety issues, alternative routes, etc.), which gives a basis for such prohibition or restrictions. There must be something more than just the desire of residents to prohibit trucks in their neighborhood. Also weight restrictions won't work on school bus routes, because the school buses, due to their weight, would also be prohibited. Such prohibition or restrictions without reasonable alternative routes may lead to claims of inverse condemnation (taking).

Where justified, as stated above, weight restrictions could be placed on "through traffic", which would allow moving vans and cement trucks to come into the area on a temporary basis when such need arises. Such restrictions would not have to be on the entire road, but could be on portions of the road, where justified.

For enforcement purposes, police officers would need portable weight scales for testing weight loads to determine if a violation exists.

A.R.S. § 11-1206 allows for posting of weight limit signs on private streets in subdivisions where owner of the property has been granted a protected development right, but no enforcement authority has been granted to counties to enforce those limitations.

*This has been sent*

pag



# ARTICLE 18

## VEHICLE SIZE, WEIGHT AND LOAD

§ 28-1091

§ 3

### § 28-1091. Violation; scope and effect

A. A person shall not drive or move and the owner of a vehicle shall not knowingly cause or permit to be driven or moved on a highway a vehicle or vehicles of a size or weight exceeding the limitations stated in this article or otherwise in violation of this article.

B. The maximum size and weight of vehicles specified in this article are lawful throughout this state. A local authority shall not alter the limitations stated in this article unless authorized by this article.

C. The size, weight and load provisions of this article do not apply to either:

1. Fire apparatus.
2. Urban public transit transportation system vehicles.
3. Implements of husbandry, including farm tractors, that are temporarily moved on a highway.
4. Vehicles operated under the terms of a special permit issued pursuant to this article.

Added by Laws 1996, Ch. 76, § 18, eff. Oct. 1, 1997.

#### Historical and Statutory Notes

##### Source:

Laws 1950, 1st S.S., Ch. 3, § 157.  
Laws 1951, Ch. 72, § 2.  
Code 1939, Supp. 1952, § 66-185.  
A.R.S. former § 28-1001.

Laws 1976, Ch. 108, § 2.  
Laws 1978, Ch. 201, § 479.  
Laws 1980, Ch. 178, § 2.  
Laws 1982, Ch. 37, § 23.  
Laws 1983, Ch. 271, § 40.

#### Cross References

Classification of offenses, see § 13-601 et seq.  
Powers of local authorities, see § 28-627.  
Punishment for misdemeanor, see § 28-1521.  
Restitution and fines, see § 13-801 et seq.  
Sentences of imprisonment, see § 13-701 et seq.  
Violations, penalty, see § 28-1521.

#### Administrative Code References

Mobile homes-prepaid oversize permits, see A.A.C. R17-4-423.  
Weight restrictions on state highway 67, see A.A.C. R17-3-401.

#### Library References

Automobiles ⇨ 337.  
WESTLAW Topic No. 48A.  
C.J.S. Motor Vehicles §§ 685, 714.

#### WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

#### United States Supreme Court

Commerce clause. Truck-length limitations unconstitutionally burdening interstate commerce, see *Kassel v. Consolidated Freightways Corp. of Delaware*, U.S. Iowa 1981, 101 S.Ct. 1309, 450 U.S. 662, 67 L.Ed.2d 580.

Notes of Decisions

Implements of husbandry 3  
Military vehicles 2  
Validity of prior law 1

serve vehicles used on state highways. Op. Atty.  
Gen. No. 65-12-L.

3. Implements of husbandry

Vehicles which are implements of husbandry are not exempt from the size and weight limitations found in former § 28-1001 et seq. if the great majority of the operational life of the vehicles is upon state public highways. Op. Atty. Gen. No. 78-165.

1. Validity of prior law

As exercise of its police power, state may reasonably regulate weight of vehicles using its highways. State v. Burns (App. 1979) 121 Ariz. 471, 591 P.2d 563.

2. Military vehicles

State had no power to regulate length, weight, and height of United States Army re-

§ 28-1092. Reasonable access; definitions

A. The department shall provide reasonable access to vehicles of legal size to and from terminals and service facilities within one road mile of the national network on highways within its jurisdiction.

B. The local authority shall provide reasonable access to vehicles of legal size to and from terminals and service facilities within one road mile of the national network on highways within its jurisdiction. The local authority shall provide the director with a list of routes or maps designating the highways on which reasonable access is denied by December 1, 1992. The local authority shall update the list annually beginning on December 31, 1993. The department shall consolidate and publish the list annually.

C. The department and the local authority may deny reasonable access within one road mile to or from the national network by a vehicle of legal size on highways within their jurisdiction as follows:

1. Reasonable access may be denied if access would result in a significant and clearly evident safety problem in relation to a vehicle of legal size.

2. For vehicles that are at least one hundred two inches wide, reasonable access may be denied on specific routes with lanes that are ten feet wide or less.

3. Reasonable access may be denied if denial is related to the specific configuration and resultant safety factor of the individual route, including structural hazards.

4. In denying reasonable access, the department or local authority shall not grant exceptions for categories, types or groups of routes.

D. A person shall submit a written request for reasonable access to the department if it concerns highways under its jurisdiction or to the local authority if it concerns highways under its jurisdiction. If a written request for reasonable access is not acted on within ninety days of receipt by the appropriate jurisdiction, reasonable access is approved. If a written request for reasonable access is denied by the department or the local authority, the person may appeal to the jurisdiction that denied access, and the jurisdiction shall issue a

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decision within ninety days. If the appeal is denied by the local jurisdiction, the person may request a review by the director of the denial of access.

E. The department shall design a uniform symbol that is an exception sign to convey information that access is denied. The department shall use the sign to indicate any point of exit from the national network that does not have a connecting state or local authority access route to terminals or service facilities.

F. The department or a local authority shall not require a person to obtain a permit for a vehicle of legal size or to pay a fee to gain reasonable access pursuant to this section.

G. For purposes of this section:

1. "National network" means the system of highways that is a part of any segment of the national system of interstate and defense highways or any other qualifying federal aid highway or state highway designated by the director as authorized by the surface transportation assistance act of 1982 (P.L. 97-424; 96 Stat. 2097) <sup>1</sup> and designated pursuant to section 28-1093.

2. "Reasonable access" means providing the most reasonable and practical route available, including allowance for return of the vehicle to the national network on a route other than the route traveled to the terminal or service facility if it is feasible and more practical to follow the alternate route, unless allowing access would result in a significant and clearly evident safety problem.

3. "Service facility" means a facility that provides food, fuel, lodging, repairs or emergency medical care.

4. "Terminal" means a location where either:

(a) Freight originates, terminates or is handled in the transportation process.

(b) Commercial motor carriers maintain operating facilities.

5. "Vehicle of legal size" means a vehicle of a size that meets the limitations prescribed in § 28-1093, subsection C, § 28-1094 and § 28-1095, subsections A and B, subsection C, paragraphs 1 through 4 and subsection D.

Added by Laws 1996, Ch. 76, § 18, eff. Oct. 1, 1997. Amended by Laws 1997, Ch. 1, § 89, eff. Oct. 1, 1997.

<sup>1</sup> 23 U.S.C.A. § 101 et seq.

Historical and Statutory Notes

Source:  
A.R.S. former § 28-1001.01.  
Laws 1992, Ch. 146, § 2.

The 1997 amendment of this section by Ch. 1 explicitly amended the addition of this section by Laws 1996, Ch. 76, § 18.

Library References

Automobiles ⊕ 337.  
WESTLAW Topic No. 48A.  
C.J.S. Motor Vehicles §§ 685, 714.

§ 28-1093. Vehicle width; exceptions

A. Except as otherwise provided in this section and § 28-627, the total outside width of a vehicle or the load on the vehicle shall not exceed eight feet.

## § 28-1093

## TRANSPORTATION Title 28

B. If pneumatic tires, in substitution for the same type or other type of tires are placed on a vehicle in operation on July 1, 1950:

1. The maximum width from the outside of one wheel and tire to the outside of the opposite wheel and tire shall not exceed eight feet six inches.
2. The outside width of the body of the vehicle or the load on the vehicle shall not exceed eight feet.

C. A person may operate a vehicle with a total width of the vehicle or the load on the vehicle of not more than one hundred two inches, exclusive of safety equipment, on:

1. Any segment of the national system of interstate and defense highways.
2. Any other qualifying federal aid highway.
3. Any state highway, as designated by the director.
4. Streets that are designated by a local authority as follows:

(a) The local authority may designate the streets by signage of the allowable streets or by maintenance of a map or list of allowable streets as approved by a resolution of the local authority.

(b) In designating the streets, the local authority shall consider any reasonable restriction including such safety restrictions as structural hazards and street width and any other safety factors identified by the local authority as a hazard to the motoring public.

5. A highway that reasonably accesses interstate system highways, federal aid highways or state highways from terminals and facilities that provide food, fuel, repairs and lodging or from emergency medical facilities.

Added by Laws 1996, Ch. 76, § 18, eff. Oct. 1, 1997.

### Historical and Statutory Notes

#### Source:

Laws 1950, 1st S.S., Ch. 3, § 153.  
Code 1939, Supp. 1952, § 66-185a.  
A.R.S. former § 28-1002.  
Laws 1971, Ch. 54, § 1.  
Laws 1977, Ch. 115, § 4.  
Laws 1979, Ch. 213, § 3.

Laws 1981, Ch. 81, § 1.  
Laws 1981, 2nd S.S., Ch. 2, § 13.  
Laws 1983, Ch. 265, § 1.  
Laws 1986, Ch. 102, § 1.  
Laws 1988, Ch. 102, § 1.  
Laws 1990, Ch. 213, § 2.  
Laws 1992, Ch. 146, § 3.

### Library References

Automobiles ⇨ 337.  
WESTLAW Topic No. 48A.  
C.J.S. Motor Vehicles §§ 685, 714.

### Notes of Decisions

#### Implements of husbandry 1

##### 1. Implements of husbandry

Vehicles which are implements of husbandry are not exempt from the size and weight limita-

tions found in former § 28-1001 et seq. if the great majority of the operational life of the vehicles is upon state public highways. Op. Atty. Gen. No. 78-165.

§ 28-1094. Vehicle height; exceptions; special permits

A. Without a permit issued under § 28-1103 or this section, a vehicle unladen or with a load shall not exceed a height of thirteen feet six inches above the level surface on which the vehicle stands.

B. The department with respect to highways under its jurisdiction and a local authority with respect to highways under its jurisdiction shall also designate a system of highways that a vehicle unladen or with a load not exceeding fourteen feet above the level surface on which a vehicle stands may operate without a permit prescribed in subsection C of this section. In designating the streets, the local authority shall consider any reasonable restriction including such safety restrictions as structural hazards, street width and any other safety factors identified by the local authority as a hazard to the motoring public.

C. Notwithstanding § 28-1103, the department with respect to highways under its jurisdiction and a local authority with respect to highways under its jurisdiction, on application in writing and good cause shown, may issue a special permit in writing that is valid for one year and that authorizes the applicant to operate or move a motor vehicle or combination of vehicles on designated routes in this state if the laden height does not exceed fourteen feet. A fee of forty-five dollars is required for each motor vehicle covered by a permit issued pursuant to this subsection. Except as expressly provided in this subsection, the special permit is governed by §§ 28-1103, 28-1104 and 28-1105.

D. Notwithstanding § 28-1103, the department with respect to highways under its jurisdiction and a local authority with respect to highways under its jurisdiction, on application and good cause shown, may issue a permit pursuant to this chapter that authorizes the applicant to operate or move a motor vehicle on designated routes in this state if the laden height of the vehicle exceeds fourteen feet. A fee of fifteen dollars is required for each motor vehicle covered by a permit issued pursuant to this subsection. Except as expressly provided in this subsection, the single trip special permit is governed by §§ 28-1103, 28-1104 and 28-1105.

Added by Laws 1996, Ch. 76, § 18, eff. Oct. 1, 1997. Amended by Laws 1997, Ch. 1, § 90, eff. Oct. 1, 1997.

Historical and Statutory Notes

Source:

- Laws 1950, 1st S.S., Ch. 3, § 160.
- Code 1939, Supp. 1952, § 66-185c.
- A.R.S. former § 28-1004.
- Laws 1963, Ch. 15, § 1.
- Laws 1972, Ch. 16, § 1.
- Laws 1973, Ch. 69, § 1.
- Laws 1973, Ch. 146, § 49.
- Laws 1974, Ch. 11, § 3.
- Laws 1974, Ch. 136, § 20.
- Laws 1975, Ch. 27, § 1.
- Laws 1976, Ch. 80, § 3.

- Laws 1978, Ch. 162, § 1.
- Laws 1981, 2nd S.S., Ch. 2, § 14.
- Laws 1983, Ch. 265, § 2.
- Laws 1985, Ch. 95, § 2.
- Laws 1986, Ch. 102, § 2.
- Laws 1987, Ch. 247, § 1.
- Laws 1987, Ch. 253, § 1.
- Laws 1988, Ch. 102, § 2.
- Laws 1989, Ch. 54, § 1.
- Laws 1989, Ch. 74, § 1.
- Laws 1989, Ch. 137, § 1.
- Laws 1989, Ch. 265, § 3.

## § 28-1106

Note 1

### VEHICLE SIZE, WEIGHT AND LOAD

Ch. 3

#### § 28-1106. Restriction on highway usage

A. By ordinance or resolution and for a total period of not more than ninety days in any one calendar year, a local authority with respect to highways under its jurisdiction may prohibit the operation of a vehicle on the highway or may impose restrictions as to the weight of a vehicle to be operated on the highway if the highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles on the highway is prohibited or the permissible weights of the vehicles are reduced.

B. A local authority enacting an ordinance or resolution pursuant to subsection A of this section shall erect or cause signs to be erected and maintained designating the provisions of the ordinance or resolution at each end of that portion of a highway affected by the ordinance or resolution. The ordinance or resolution is not effective until the signs are erected and maintained.

C. A local authority with respect to highways under its jurisdiction may prohibit by ordinance or resolution the operation of trucks or other commercial vehicles or may impose limitations as to the weight of vehicles on designated highways. The local authority shall place appropriate signs on the highway to designate the prohibitions and limitations.

D. The director has authority as granted by this section to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated on a highway under the jurisdiction of the director. The restrictions are effective when signs giving notice of the restrictions are erected on the highway or portion of the highway affected by the resolution.

Added by Laws 1996, Ch. 76, § 18, eff. Oct. 1, 1997. Amended by Laws 1997, Ch. 1, § 96, eff. Oct. 1, 1997.

#### Historical and Statutory Notes

##### Source:

Laws 1950, 1st S.S., Ch. 3, § 167.  
Code 1939, Supp. 1952, § 66-185k.  
A.R.S. former § 28-1012.  
Laws 1973, Ch. 146, § 53.

The 1997 amendment of this section by Ch. 1 explicitly amended the addition of this section by Laws 1996, Ch. 76, § 18.

#### Cross References

Powers of local authorities, see § 28-627.

#### Library References

Automobiles ⇨ 337.  
WESTLAW Topic No. 48A.  
C.J.S. Motor Vehicles §§ 685, 714.

#### Notes of Decisions

##### Destruction of highway 1

##### 1. Destruction of highway

Highway commission may restrict the weight and length of vehicles upon a state highway

where such weight or length would otherwise seriously damage or destroy the highway. Op. Atty.Gen. No. 58-111.

|  |       |   |                          |
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28-1103. Excess size and weight special permits; definition

A. Subject to section 28-1104, subsection E, on application in writing and for good cause, the director with respect to highways under the jurisdiction of the department and a local authority with respect to highways under its jurisdiction may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this article or otherwise not in conformity with this chapter on any highway under the jurisdiction of the party granting the permit and for the maintenance of which the party is responsible.

\* B. A special permit may be issued for the movement of overdimensional and overweight loads that is subject to department rules for overdimensional and overweight loads. The director shall adopt rules for overdimensional and overweight loads. The director may establish fees to cover all or part of the cost of review and analysis of requests for overdimensional and overweight load permits. The department shall collect the fees, in addition to the special permit fee provided by this section.

C. Subject to this section, the director or local authority may issue the following special permits that are valid for one year and that may be limited by the director or local authority:

1. A special permit authorizing the applicant to transport a load by means of a truck or truck tractor, a semitrailer and one full trailer combination, if all of the following conditions are met:

(a) The combination does not exceed one hundred eleven thousand pounds of gross vehicle weight.

(b) The axle weight limitations are subject to sections 28-1099 and 28-1100.

(c) The vehicle combination is traveling within twenty miles of the borders of this state and an adjacent state that allows such combinations of length and gross vehicle weight.

2. Except on the national intercity truck route network as designated by the United States secretary of transportation as required by the surface transportation assistance act of 1982, a special permit authorizing the applicant to transport a load by means of a truck or truck tractor, a semitrailer and not more than two trailers if all of the following conditions are met:

(a) The overall length of the cargo carrying unit of the vehicle combination does not exceed ninety-five feet.

(b) The axle weight limitations conform to sections 28-1099 and 28-1100.

(c) The overall gross weight of the vehicle combination does not exceed one hundred twenty-one thousand pounds for nine axles or one hundred twenty-three thousand five hundred pounds for ten axles.

(d) The vehicle combination is traveling on either:

(i) Portions of an alternate state route that is located within four miles of and extends to the border of this state and an adjacent state that allows vehicle combinations of a truck or a truck tractor, a semitrailer and two trailers or semitrailers.

(ii) A state route that extends at least ten miles through an Indian reservation, does not cross the Colorado river and is located within twenty miles of and extends to the border of this state and an adjacent state that allows two trailers or semitrailers.

3. On application in writing by an owner of a watercraft as defined in section 5-301 and on good cause shown, a special excess width permit for a fee of forty-five dollars for each watercraft covered by the permit that:

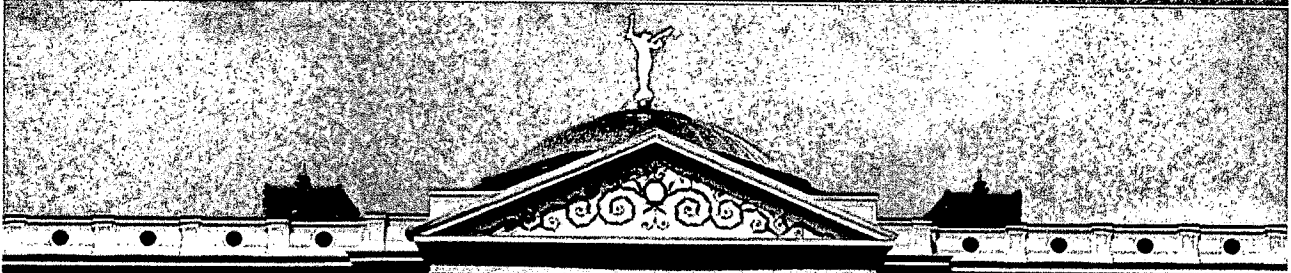
(a) Authorizes the owner to move a vehicle loaded with the watercraft on a highway under the jurisdiction of the issuer if all of the following conditions exist:

(i) The total outside width of the vehicle and watercraft does not exceed ten feet.

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#### 28-1093. Vehicle width; exceptions

A. Except as otherwise provided in subsections B and C of this section and section 28-627, the total outside width of a vehicle or the load on the vehicle shall not exceed eight feet.

B. If pneumatic tires, in substitution for the same type or other type of tires, are placed on a vehicle in operation on July 1, 1950:

1. The maximum width from the outside of one wheel and tire to the outside of the opposite wheel and tire shall not exceed eight feet six inches.
2. The outside width of the body of the vehicle or the load on the vehicle shall not exceed eight feet.

C. A person may operate a vehicle with a total width of the vehicle or the load on the vehicle of not more than one hundred two inches, exclusive of safety equipment, on:

1. Any segment of the national system of interstate and defense highways.
2. Any other qualifying federal aid highway.
3. Any state highway, as designated by the director.
4. Streets that are designated by a local authority as follows:
  - (a) The local authority may designate the streets by signage of the allowable streets or by maintenance of a map or list of allowable streets as approved by a resolution of the local authority.
  - (b) In designating the streets, the local authority shall consider any reasonable restriction including such safety restrictions as structural hazards and street width and any other safety factors identified by the local authority as a hazard to the motoring public.
5. A highway that reasonably accesses interstate system highways, federal aid highways or state highways from terminals and facilities that provide food, fuel, repairs and lodging or from emergency medical facilities.

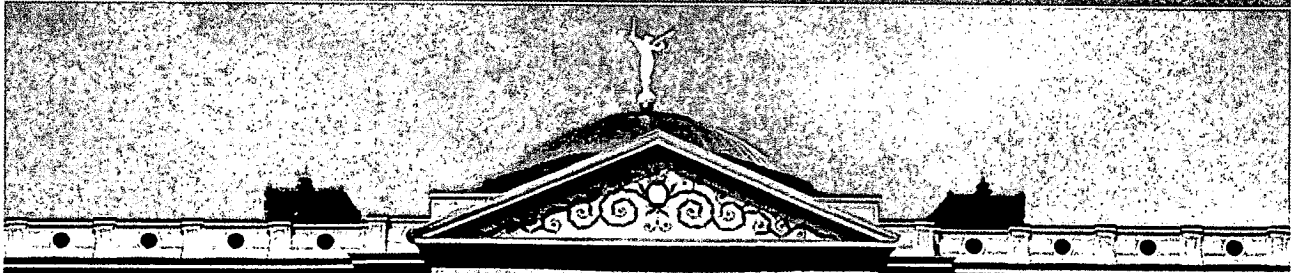
D. Notwithstanding subsections A, B and C of this section, the total outside width of a noncommercial recreational vehicle as defined in section 41-2142 may be more than one hundred two inches if the excess width is attributable to recreational vehicle appurtenances that do not extend beyond the exterior rearview mirrors of the recreational vehicle or tow vehicle and the rearview mirrors only extend the distance necessary to provide the appropriate field of view for the vehicle before the appurtenances are attached. For the purposes of this subsection, "recreational vehicle appurtenance":

1. Includes:
  - (a) An awning and its support hardware.
  - (b) Any appendage that is intended to be an integral part of the recreational vehicle and that is installed by the manufacturer or dealer.
2. Does not include an item that is temporarily affixed or attached to the exterior of the recreational vehicle by the vehicle's operator for the purpose of transporting the item from one location to another location.



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### 28-1105. Special permit fees

A. Except as otherwise provided by law, the following fees are required:

1. Fifteen dollars for each special permit issued pursuant to section 28-1103 for excess size, except that a thirty dollar fee is required for each thirty day permit and a three hundred sixty dollar fee is required for each annual permit.

2. Seventy-five dollars for each permit and each thirty day permit issued pursuant to section 28-1103 for excess weight, except that a six hundred dollar fee is required for each annual permit. For commercial vehicles traveling through an international port of entry on a special single trip excess weight permit issued pursuant to section 28-1103, the director shall deposit, pursuant to sections 35-146 and 35-147, the seventy-five dollar special single trip permit fee collected pursuant to this paragraph in the state highway fund established by section 28-6991.

3. For a permit requested for a motor vehicle or combination of vehicles that is in excess of both the size and weight permitted by this chapter, the amount of fees applicable for an excess weight permit.

4. Three hundred sixty dollars for each permit issued pursuant to section 28-1103, subsection C.

B. A fee is not required for a permit issued pursuant to section 28-1103 for the movement of vehicles or combinations of vehicles owned by the United States government, this state or a county, city or town.

Ⓒ If a special permit is required by the director and by one or more authorities to move a vehicle or combination of vehicles, the applicant for the permit or permits shall pay a permit fee only to the director and is not required to pay a permit fee to a local authority.

D. If a special permit is required by more than one local authority to move a vehicle or combination of vehicles and if the permit is not required by the director, the applicant shall pay a permit fee only to the local authority that has jurisdiction of the streets and highways where the movements of the vehicle or combination of vehicles originate.

## Amendments

The Pinal County Subdivision Regulations were adopted by the Pinal County Board of Supervisors on December 6, 2006 (Ordinance No. 120606-SR). These regulations hereby repeal in their entirety the Subdivision Regulations & Requirements and Minimum Standards for Subdivision Street Paving known as the Pinal County Subdivision Regulations, adopted March 25, 1963 and Resolutions dated January 20, 1964; December 28, 1964; December 13, 1971; February 4, 1974; October 19, 1981; January 19, 1988; and June 30, 1997, amending said subdivision regulations, respectively. The December 6, 2006, adoption of this ordinance is recorded by Fee Number 2006-167390 in the Pinal County Recorder's Office. Where the term "this ordinance" is used, it shall be interpreted to mean the Ordinance as adopted and all amendments thereto.

Following is a list of amendments to this ordinance which have been incorporated into the Pinal County Subdivision Regulations since its original adoption.

| <b>Date Amended</b> | <b>Section Amended</b>             | <b>Subject</b>  | <b>Fee Number</b> |
|---------------------|------------------------------------|---|-------------------|
| July 30, 2008       | 804.2<br>1001                      | Third Party Trust Agreement<br>Minor Replat & Major Replat  | 2008-086988       |
| June 24, 2009       | 804.2 (D)5<br>adding<br>804.2 (D)6 | Third Party Trust Agreement as<br>substitute for existing assurance where<br>lots have been sold. | 2009-067380       |
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